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Kara LeGrand, Tim Garrett,
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Rosselle Donnelly, and Erin Parks*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVE CLEMENS

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 3:23-cv-00035-MMD-CSD

**ORDER GRANTING
MOTION FOR 30-DAY EXTENSION
TO FILE DISPOSITIVE MOTION**

[Second Request]

Defendants, Kara LeGrand, Tim Garrett, Dana Marks, Brian Egerton, Rosselle Donnelly, and Erin Parks, by and through counsel, Aaron D. Ford, Nevada Attorney General, Victoria C. Corey, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, and Nathan M. Claus, Deputy Attorney General, of the State of Nevada, Office of the Attorney General hereby request a 30-day extension of the Dispositive Motion deadline. This is Defendants second requested extension of the subject deadline.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by offender Dave Clemens (Clemens). On July 8, 2024, this Court issued a scheduling order, setting the

dispositive motion deadline for September 11, 2024. ECF No. 69. On August 23, 2024, this Court granted Defendant's first request for an extension of time for the dispositive motion deadline, allowing for the filing of dispositive motions on or before October 28, 2024. ECF No. 75.

For the reasons fully articulated below, good cause exists to extend the Dispositive Motion deadlines in this matter an additional 30 days to Friday, November 28, 2024.

II. ARGUMENT

Pursuant to Fed. R. Civ. P. 6(b), the "court may, for good cause, extend the time . . . with or without motion or notice . . . if a request is made, before the original time or its extension expires." Defendants seek an extension of time to respond to file their dispositive motion. Good cause is present to extend the dispositive motion deadline until November 27, 2024.

At this time, Discovery has been completed. Discovery in this matter was comprehensive and included hundreds of pages of documents ranging from medical documents, various Nevada Department of Corrections' policies, and related documentation. Counsel for defendants is working to ensure that these various documents are distilled to ensure a clear and accurate record is established. Additionally, Deputy Attorney General (DAG) Victoria C. Corey has had an unexpected family emergency¹ that has required her attention and has resulted in the need for additional time to review the motion prior to filing.

Accordingly, Defendants respectfully request that the extension be granted for good cause shown. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1260, (9th Cir. 2010) (holding that the "district court abused its discretion in denying party's timely motion" to extend time because the party "demonstrated the 'good cause' required by Rule 6, and because there was no reason to believe that [the party] was acting in bad faith or was misrepresenting his reasons for asking for the extension").

¹ If the Court requires specifics on the times of this emergency, Defendants can provide it under seal.

To date Clemens has not filed his own dispositive motion and there would be no prejudice to him in this Court granting this second requested extension.

III. CONCLUSION

Based on the foregoing, and for good cause, Defendants request an extension of time until November 28, 2024, for the dispositive motion deadline.

DATED this 22nd day of October, 2024.

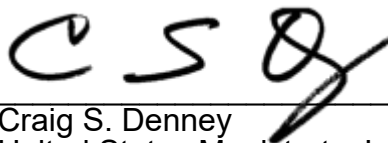
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Attorney General

By: /s/ Nathan M. Claus
VICTORIA C. COREY (Bar #16364)
Deputy Attorney General
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Attorneys for Defendants

IT IS SO ORDERED.

DATED: October 23, 2024.



Craig S. Denney
United States Magistrate Judge